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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,240	04/09/2004	Noel C. Cobb	0075-1	1744

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EXAMINER

PRONE, JASON D

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/822,240	COBB ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jason Prone	3724	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/28/04</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, a “knife blade that extends more than 50% of its length outside the handle”, of claim 3, “a locating means attached to the left side member”, of claim 6, “a channel depth smaller than the thickness of the knife blade” (see paragraph 2 of this Office action), and “a plurality of bolts”, of claims 10-12, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to because page 18 line 17 of the specification and claim 8 both disclose the depth of the channel is less than the thickness of the blade. However, Figures 1-3 (especially Figure 3) clearly show the channel 17 having a depth of far greater than the thickness of the blade. Also, Figure 1 and 2, clearly do not show a blade with more than 50% of its length outside of the handle. Even if the final hole (30) of the blade were in connection with the protrusion (18), 50% of the blade length would not be outside the handle. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required

corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 8 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. On page 18 lines 17-18, the phrase "The depth of the milled channel is slightly less than that of the knife blade thickness" is unclear. Using Figure 3, the channel is represented by the dashed lines labeled 17. As shown in Figure 3, the channel extends from just above the bottom wall all the way to the top edge. The channel appears to occupy the entire inner portion of the right side member of blade supporting means and each side of the blade supporting means has a thickness/depth of much greater than the blade. Using Figure 1, protrusion has a thickness similar to the blade, and in Figure 3, the depth of channel 17 is clearly much greater than the thickness of the protrusion/blade. Also, the left side member of the blade supporting means occupies a portion of the channel. If the channel has a depth of less than the blade thickness the blade supporting means could not enter the channel as clearly shown in Figures 1 and 2.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 2-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. In regards to claim 2 items d-f, the phrases "locating means disposed within the handle" and channel means disposed with in said handle" are inaccurate and, therefore, unclear. Using Figure 1, claim 2 discloses a handle means (12/14 angled portion of the apparatus) and a separate blade supporting means (portion of the apparatus substantially parallel with the blade and proven by claims 6 and 7). It is clear from Figure 1 and especially Figure 3 that the locating means and the channel means are disposed within the blade supporting means and not the handle means as claimed. The following is an example of items a-e of claim 2 rewritten with respect to the Figures:

a handle for supporting the blade in a transversely angulated position;  
said handle means including a gripping portion and a blade supporting portion;  
said handle having right and left side members;  
a locating means disposed within the blade supporting portion of said handle;  
a channel means disposed within the blade supporting portion of said handle;

The example above or something similar would overcome this 112 rejection only.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claim 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Burchell (6,321,455).

Claim 1:

Burchell discloses the same invention including a utility knife (10) comprising a knife blade (16) and a knife handle (12), the knife blade being transversely angulated with respect to the handle (Fig. 2), and the knife blade is firmly supported in the horizontal and vertical planes (50 and 52).

Claims 2-9:

In regards to claim 2, Burchell discloses the same invention including a utility knife (10) comprising a reversible, detachable blade having a sharp edge (16) an a plurality of snchoring holes (72), a handle means for supporting the blade in a transversely angulated position (12), a blade supporting means connected to the handle (14), and the blade supporting means has right (48) and left side members (50).

Burchell discloses locating means disposed within the handle (64), a channel means disposed within the handle for containing and supporting the blade in a vertical plane (52), a clamping means for clamping the left and right side members and supporting the knife blade in a horizontal plane (62), a blade replacement means for exposing a fresh edge of the blade (Fig. 4 the blade is removed, the blade is flipped over with the dull side facing the rear, and the blade is re-inserted), replacing the blade with a new blade (Fig. 4 the blade is removed and another blade is inserted into groove 52), and rotating

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the blade 180° to change the handedness of the knife (Since the hinge allows the knife to be angle on either side of the handle (Fig. 6), the entire structure (Fig. 5) is rotated so that the cutting edge (68) is rotated from a downward or left position, as shown in Figure 5, to an upward or right position. This rotation of the entire apparatus does rotate the blade as claimed.).

In regards to claim 3, Burchell discloses the knife blade is capable of extending more than 50% of its length outside of the handle (Fig. 5 If item 64 was in contact with far right hole 72 or if item 64 was removed, items 48, 50, and 62 are capable of clamping the blade at any reasonable position).

In regards to claims 4 and 5, Burchell discloses the transverse angulation is 40° (Column 5 lines 30-35).

In regards to claims 6 and 7, Burchell discloses the locating means is attached to the left side member (64 and 56) and the locating means is attached to the right side member (64 and 54).

In regards to claim 8, Burchell discloses the blade has a thickness (70) and the channel is milled to a depth smaller than the thickness of the blade (Fig. 4). In view of the 112 issues above and with regards to the Figures of the instant application, it is believed that the bottom portion of channel 17 and the bottom portion of the left side member of the blade supporting means 12 form the channel. The channel is smaller than the thickness of the blade due to the fact that the channel and the left side member of the blade supporting means are press-fitted together, thereby, creating a gap that is smaller than the thickness of the blade to hold it in place. Burchell discloses the same



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structure in Figure 4. Items 52 and 50 are clamped together creating a channel or gap smaller than the thickness of the blade. If the thickness was not smaller, the blade would fall out of the apparatus.

In regards to claim 9, Burchell discloses the channel is milled to a width that loosely fits the edges of the knife blade (Fig. 4).

### ***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burchell in view of Joanis et al. (3,845,554). Burchell discloses the invention including the clamping means comprises a bolt (62), the bolt is threaded to the thickness of the left side member (60), and the bolt slidably fits to the right side member (58).

However, Burchell fails to disclose the clamping means includes a plurality of bolts. Joanis et al. teaches a clamping means including a plurality of bolts (14). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Burchell with additional clamping bolts, as taught by Joanis et al., to better secure the blade to the blade supporting means.

### ***Conclusion***

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12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lockett, Kromsten, Cuscovitch, Scholl, Stunger, Pickett et al., Juziuk, Windhager, Seltzer, Jr., Desmarais, and DeLillo.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is (571) 272-4513. The examiner can normally be reached on 7:30-5:00, Mon - (every other) Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

September 20, 2005



Patent Examiner  
Jason Prone  
Art Unit 3724  
T.C. 3700